

REMARKS

Claims 26, 27, 30, and 32-35 are canceled herein. Claims 6-8, 19-21, 23 and 24 are currently pending in the case.

Allowed Claims

Applicant appreciates the Patent Office's allowance of claims 6-8, 19-21, 23 and 24.

Section 103 Rejections

Claims 26, 27, 30, 33, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,245,652 to Gardner et al. (hereinafter "Gardner '652") in view of U.S. Patent No. 6,077,791 to DeTar (hereinafter "DeTar"). Claims 32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gardner '652 in view of DeTar further in view of U.S. Patent Application Publication No. 2002/0142500 by Foglietti et al. (hereinafter "Foglietti"). To expedite prosecution, claims 26, 27, 30, and 32-35 are canceled rendering their rejection moot. Accordingly, removal of this rejection is respectfully requested.

Although claims 26, 27, 30, and 32-35 are canceled, their rejection are hereby traversed for the record. The arguments presented in Applicant's response filed October 22, 2007 are referenced as if set forth herein in their entirety. They have not been reiterated for the sake of brevity. In response to such arguments, the Examiner states in the Advisory Action that he/she considers "... 'fully deuterated TEOS' to be equal to the generic meaning of 'deuterium oxide.'" In addition, the Examiner states in the Advisory Action that "explanation of deuterium gas and mixture of ozon[e] and deuterated gas along with the deuterated TEOS as oxide layer, make it inherently clear that DeTar uses a generic form of deuterium oxide." Such statements are traversed.

In particular, the meaning of ‘deuterium oxide’ cannot be “generalized” to include any deuterated substance, such as deuterated TEOS as purported by the Examiner. Rather, the term “deuterium oxide” refers to a specific chemical makeup of deuterium and oxygen, specifically as “heavy water D₂O composed of deuterium and oxygen” as defined by Merriam Webster’s Dictionary. Based on such a well-defined meaning, the use of deuterated TEOS such as taught by DeTar cannot be construed as explicitly or implicitly teaching the use of deuterium oxide. In addition, it is asserted that DeTar’s teaching of mixing an oxygen source (e.g., ozone) with a deuterated silicon source does not render the use of ozonated deuterium oxide an inherent option for forming an oxide layer. In particular, DeTar fails to teach or suggest that any deuterated oxygen source, much less deuterium oxide, may be used for the oxide layer formation process described therein. In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flows from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) MPEP 2112.

CONCLUSION

This response constitutes a complete response to all issues raised in the Office Action mailed August 22, 2007 and in the Advisory Action mailed November 7, 2007. In view of the remarks herein, Applicant asserts that pending claims 6-8, 19-21, 23, and 24 are in condition for allowance. If the Patent Office has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

No fees are required for filing these amendments; however, the Commissioner is authorized to charge any additional fees, which may be required, or credit any overpayment, to Daffer McDaniel LLP Deposit Account No. 50-3268.

Respectfully submitted,

/Mollie E. Lettang/

Mollie E. Lettang

Reg. No. 48,405

Agent for Applicants

Customer No. 35617

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MEL